

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ANTHONY STEWARD,

Plaintiff,

v.

Civil No. 11-15070

COMMISSIONER OF  
SOCIAL SECURITY,

DISTRICT JUDGE DENISE PAGE HOOD  
MAGISTRATE JUDGE CHARLES E. BINDER

Defendant.

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**MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**  
**on**  
**DEFENDANT COMMISSIONER’S MOTION TO REMAND**  
**(Doc. 15)**

This matter is before the undersigned Magistrate Judge pursuant to an Order of Reference filed November 16, 2011. Plaintiff filed his motion for summary judgment on February 1, 2012 and Defendant sought and was granted several extensions of time in which to file its response and motion for summary judgment. (Docs. 10, 12, 13, 14.) On June 18, 2012, Defendant filed the instant motion seeking remand to the Commissioner of Social Security “[i]n light of the evidence of chronic liver disease and HIV infection” with respect to whether Plaintiff meets or equals “Listing 5.05 (chronic liver disease), Listing 14.08 (HIV) or any other Listing.” (Doc. 15 at 1.) Defendant therefore asks the Court to remand the case and Plaintiff’s counsel concurs in the motion. (Doc. 15 at 2.) I therefore suggest that good cause supports the Commissioner’s motion.

Accordingly, **IT IS RECOMMENDED** that the Commissioner's decision be **REVERSED** and the case **REMANDED** to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g).

s/ Charles E Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: June 20, 2012

**CERTIFICATION**

I hereby certify that this Report and Recommendation was electronically filed this date and electronically served on counsel of record via the Court's ECF System.

Date: June 20, 2012

By s/Patricia T. Morris  
Law Clerk to Magistrate Judge Binder